

## Ngati Tama, TDC and FLAG Hui

Onetahua Marae

26 September 2016

Meeting notes

*Note: records of discussion points have been grouped into similar topics and are not necessarily in the order discussed at the meeting. Notes in square brackets [ ] have been added post meeting for clarity.*

9.30am – 11am Powhiri and morning tea

### 11:05 am **Takaka Freshwater Management and FLAG Project**

*[Lisa McGlinchey presented on behalf of FLAG, notes taken by Tom Chi and supplemented by attendees]*

- Disclaimer given that the content of the presentation are draft (interim) findings of the FLAG and the decisions do not represent full consensus by FLAG. These decisions are to be reviewed once the draft plan change is available and feedback is received.
- FLAG and TDC staff are looking for the iwi perspective on matters to inform the FLAG process and preparation of the draft plan change and recommendations to Council.

### **TREATY SETTLEMENTS AND BACKGROUND KNOWLEDGE OF LOCAL IWI**

- Leanne and others from Ngati Tama asked if FLAG/staff had knowledge of the Treaty Settlements and how these documents had informed or guided the process. Lisa confirmed that these documents had informed to a degree the Freshwater process and that TDC staff we're familiar with the settlement documents, but that FLAG had not had a specific meeting to review the settlement content. Margie confirmed that the FLAG was generally aware of these responsibilities and obligations, but that they had not gone so far so as make specific reference.
- In response to a list of questions that staff and FLAG wanted to know more about in the context of freshwater planning for the Takaka catchment (such as how to recognize and provide for Maori relationships to water in this area, or include matauranga Maori in the plan approach), Leanne stated that if FLAG/staff had a detailed knowledge of the document contents then Ngati Tama would not need to keep explaining their history and values and interests in water. They want to get to a point where hui can proceed with most parties already knowing this history and Treaty Settlement information... She clarified that this responsibility does not just sit with the FLAG and Council, but... "come on guys."
- Diane stated that Council and any other group that collaborates with Council needs to learn and know and remember the "story" and background and history of the local iwi. Rochelle noted following a suggestion from Margie for FLAG to hear about Maori values in relation to water from someone else, Barney Thomas was going to come and talk to FLAG but finding a date that suited everyone kept delaying it, then the organising of hui

started to happen.. Rochelle said she clearly heard the need for everyone to get familiar with the Settlement documents. Leanne agreed that familiarity with Treaty Settlements should be standard and an expected part of Council's service provision. Leanne expressed her disappointment that we had come to a meeting like this unprepared. Matthew Rountree noted that FLAG had read the Water Conservation Order application, which had a lot of useful information about iwi relationships with water.

**Action:** FLAG members to familiarize themselves with iwi settlement documents

- Steve said that in spite of what we know regarding associations and history from the Treaty Settlements, we still need to sit down with iwi and speak about a way forward, policy and resource management responses. Diane said that Council should be providing this basic intel (who the iwi are, what their story is, and what their priorities/goals are) to involved parties. Council should be telling the iwi story; iwi are tired of doing it and feeling that Council does not tell the story of iwi because they (iwi) are not considered important enough.
- Lisa explained that in her role as policy planner that she is seeking to ensure the resulting plan change results in real protection of the values identified and is looking to gather information to contribute to that process.
- Richard said that Council as a whole body (and iwi present) should agree with the points made and progress further with gathering information, learning information and sharing information. Diane (and co) asked about further commitments from Council, such as agreed deadlines for further meetings.
- Chris wanted to know why their relationship with water was still up to question when this information had been in the public domain for several decades. The language used in this process is not the language of Treaty partnership, that capacity building is not occurring, and that there is doubt that Council is fulfilling its statutory obligations.
- Chris wanted to know that Richard was not brushing over these fundamental issues, and Richard confirmed that Council is not. Chris confirmed that she knew we were here in good faith but she was still frustrated... and hoped that we could be honest and open about this.
- Diane suggested that perhaps TDC could produce or procure a video of sorts that explains everyone's relationship with water (iwi, farmers, local communities, etc). Nice and simple, nice and convenient. Richard highlighted that TDC had a rivers video released recently and that he had been putting forward the communities' views consistently throughout his term in office.
- Margie stated that she as iwi representative on the FLAG was not quiet during the FLAG meetings, and that her views were made clear during the process. She commended the hard work, open discussion and conciliatory/compromisory nature of the FLAG. She wanted to make it clear to iwi and attendees that the work of the FLAG was not easy in the slightest, and expressed the huge amount of learning involved of everyone. Both for technical matters and personal, relational matters.

- Margie reiterated the duality of Maori and Pakeha relations and their difficulties, both within her own personal life and within community life (iwi and Council level).
- John stated that it is unfortunate that this meeting is being held halfway through the FLAG's work... iwi are feeling disgruntled that they are repeating themselves again and again, and that hui like this are happening so late in the process. They should be held from the very beginning. He expressed frustration at the way that local and central government are treating iwi as ogres and problems, not as Treaty partners.
- John expressed frustration that, in spite of these statutory acknowledgements, the access to natural resources is still through central government and not through iwi. He was angry and disappointed with the unpreparedness and ignorance of central and local government. He wants to see this hui proceed, but not to have a repeat of this issue in the future. He asked Leanne for advice on how iwi can monitor Council or at least follow up with Council's promises and responsibilities.
- Leanne suggested further discussion with Council on matters such as the MOUs.

**Action:** Ngati Tama to continue discussions on an MOU with Council CEO and Mayor

- She also suggested that TDC staff include slides in the presentation around questions that iwi may have, and give them the clear opportunity to ask questions. Also provide information such as timeline, who has decision-making power, what documents are needed, what parties are involved, etc. Really help iwi by providing them information and opportunities to ask questions important to them.
- She was aware that these processes may stop and start at any time, both driven by the Council and central government. Regardless, she recognized the hard work of everyone involved in the FLAG process.
- Andrew recounted his experience with Te Waikoropupu and working with FLAG and the early discussions around protection of ecological and cultural/spiritual values. He stated that "everyone wanted 100% of MALF as the minimum flow limit" but that this was rebutted by Council staff as "they would be thrown out in court" Andrew said that after that meeting TDC staff went and got an expert who made recommendations as low as 60% of MALF. *[post hui clarification: TDC staff decided to get an independent expert to make recommendations to FLAG to assist in ensuring a robust process and outcome for everyone involved. Staff highlighted to FLAG that if they wanted standards that were more stringent than the ecological based levels identified by Roger Young, they could do this, but that this would need to be clearly justified on some other basis (ie cultural/spiritual, not ecological) in order to endure challenge during the Schedule 1 RMA process. The methodology and process used has been discussed on several occasions in FLAG meetings and the outcome of those discussions recorded in meeting notes. The recommended minimum flow ranges and the agreed limits/options are available in the meeting notes online.]*

- Andrew Yuill expressed disappointment that statutory acknowledgements and other Treaty Settlement associations aren't being implemented or are even being undermined by Council and resource users.

#### 11:45 am **PARTNERSHIP MODEL**

- Steve acknowledged that the FLAG process had not gone down a Treaty partnership path, but did not want the current process stalled because of this disappointment and failure to do so. He reiterated that this process has proceeded significantly and wanted to get the best value out of the time today with Ngati Tama.
- Steve reiterated that the Statutory Acknowledgments themselves do not provide adequate guidance on how policy and resource management should proceed. He wanted to provide further information to iwi, guidance of sorts, about how to progress this process.
- Leanne wanted TDC to do more than acknowledge the SAs and settlement information. She wants TDC to acknowledge and plan out Council-side actions to further develop TDC and FLAG knowledge of and relationship with local iwi. Steve confirmed that staff should further study this information. Leanne suggested that we proceed with a single project on this matter, to advise staff and Councilors.

**Action:** TDC staff to discuss how to better reflect iwi settlements, history and interests at the start of future processes and to relay these to other involved parties on behalf of Ngati Tama.

- Steve explained the selection process of the FLAG members, on Leanne's request.
- Chris inquired about what the FLAG process might have looked like if it used a partnership model from the beginning. Steve said that there would have been a group to represent iwi and Council each, to agree on how the wider community and those involved could meet their statutory responsibilities - so high-level structural decision-making, before the FLAG would have even been formed.
- Chris stated that when one person represents iwi at a whole group level, when they are outnumbered, it is hugely difficult and unsustainable. She suggested that Ngati Tama in future decline offers to be involved in such processes as single representatives and to push forward for a true partnership model. She suggested that Council start looking at their work through a partnership model, and let that guide our processes and decision-making. Steve mentioned that such a partnership model would potentially require more resourcing than presently done. He also said that national legislation and policy guidance say very little about how these processes should be done. Diane stated that this is the core rationale for an MOU, and that unfortunately iwi are on the back foot because these processes have not been established.
- Leanne suggested Tauranga as a good example of good co-governance and partnerships. Chris said that iwi were ready to progress with "something new" and would like Council to move alongside them, in developing this partnership.

## 12:00 noon – WATER ATTRIBUTES AND WATER USE EFFICIENCY

- Diane queried the River and Freshwater Advisory Committee (RFAC). She wanted to know why this committee had not been set up. Steve and Richard stated that the group was in existence, but that Council had not heard back from them for a while. Steve noted that under the Settlement Acts, this committee was the responsibility of the local iwi to establish. Lisa confirmed that a letter had been received by Council [*c/o Te Atiawa, dated 7 April 2015*] stating the RFAC had been formed and had its inaugural meeting, but it appeared only five of the eight iwi were represented and Ngati Tama was one of the missing three [*along with Ngati Rarua and Ngati Toa*].

**Action:** Ngati Tama to follow up on establishment of the River and Freshwater Advisory Committee.

- Leanne queried the water quality standards, whether it's around drinkability or swimability and such. Lisa said that while that National Policy Statement identified the minimum acceptable standard for recreation of boating/wading, the FLAG chose to make swimability the acceptable standard. Chris asked if that meant that people could swim in rivers, but not drink of that river safely. Richard said that he interpreted swimability as safe to [accidentally] ingest while swimming. Diane said that may not be the case, and said that she didn't conflate swimability with drinkability.
- Diane suggested that the water quality attributes should be more clearly defined so that people know whether a swimmable river is also drinkable.
- Chris wondered about the risks around wading, drinking and swimming and Roger and Joseph clarified that it was risk based around the chance of getting sick while either wading, swimming or drinking and that the acceptable level for potable (drinkable) water was much lower than that for swimming. Lisa stated that surface water bodies and ground water bodies are different, as surface environments will naturally have more bacteria and this can be natural from duck populations etc, compared to groundwater systems which don't have this same level of risk and can be suitable for drinking.

*[Lisa progressed with the presentation on the NPS-FM, and the values and attributes identified by FLAG]*

- Andrew Yuill commented that the link between further allocation of water and economic benefits had not been made and FLAG did not have access to this information. He commented that FLAG needs information on who's taking what and who benefits economically and how the community benefits.
- Matthew Rountree commented that tourism and aquaculture may be affected, and may affect each other. Diane stated that we need to strike a balance between the commercial and cultural sides of water use. She confirmed that the onus of information provision rested with Council. Diane confirmed that balance may not necessarily mean 50/50 and that balance may not be achieved any time soon.
- Mirka Langford and Chris discussed water allocation, takes and the costs of either. Chris did not think that we had the most efficient use of allocated water – is a portion being wasted through inefficient infrastructure? Steve and Joseph confirmed that water

meters and existing technology and monitoring systems could be used to measure water takes and monitor the efficiency of water use. Metering applied only to activities that require a water permit, and not for domestic uses or stock water. Joseph explained that water permit applications, especially for irrigation, required a large amount of information on the technology and irrigation systems used. The Council takes a lot of information into account.

- Leanne queried the monitoring... Joseph said that monitoring and metering began around early 2000's. By now, under the Water Metering Regulations most permits would have meters. Many of the larger metered takes can also be looked at remotely and in real-time.
- Chris queried the robustness of our science and wondered what other countries thought of our irrigation systems. Mirka noted that there are some very high-tech sophisticated systems in use, for example centre pivot systems have the ability to irrigate very accurately based on soil types under each nozzle. Steve and Richard confirmed that in Tasman, our water management was very good, both nationally and internationally. There was further discussion around the technology used on farms and other properties. Tony noted that consideration was needed of other consequences when pursuing efficiency – such as the loss of totara trees if center pivot were required over other irrigation types
- Mike stated that irrigation needed to be managed because there was the risk that irrigation transported nutrients and effluent in soil into ground water sources. There was further discussion around the risks of rainfall and fertilizer-based pollution.

12:30 pm *[Break for Lunch]*

#### 1:35 pm **WATER QUANTITY AND ALLOCATION**

*[Lisa progressed with the presentation of FLAG interim decisions on water allocation and quality/habitat management]*

- Diane queried the water allocation recommendations. Lisa and Joseph explained where the recommendations sit with current allocations, and the current regime. Lisa stated that the FLAG's recommendations around flows and allocations applied to all water bodies within the management area that had consented takes, or might support future takes.
- Steve explained that the larger the allocation limit, the higher the flow triggers, the lower the security of supply, and the greater the likelihood of a cease-take being applied. Lisa commented that the allocation limits were chosen to avoid rivers "flat-lining," being at minimum flows for too long and avoiding taking too much of the high flows to ensure flushing still occurred. The allocation limits are a small percentage of the typical median flows.
- Chris and Diane queried the allocation map shown, with water bodies that can be allocated further (do all the green areas have more water available) Joseph and Lisa

clarified that all of this allocatable resource was subject to actual, physical access. Some areas were difficult to access, such as where the aquifer was quite deep underground.

- Lisa clarified that the maps do not show how much water they think is there, only whether there is more water or not – for example there are only small amounts available in the Motupipi, Wainui and western coastal streams, while the lower Takaka had a lot of water available. Lisa noted that the Tukurua catchment was potentially overallocated, but that the current take was a community water supply and initial discussions with the consent holder were that they did not use their full allocation so this situation may be resolved at renewal of the consent.
- Diane queried whether in the last 20 to 30 years if there were emergency takes for situations such as droughts, or similar. Joseph confirmed that there were none, and Diane said that there were some areas which have allowed emergency takes but had then never rescinded those emergency takes.
- Further technical discussion occurred around location-specific circumstances. Joseph said that this information was available online, and Leanne queried whether there were summary maps and table available. Lisa said that she did have those summary tables and these could be sent to Ngati Tama.

**Action:** TDC staff to forward summary tables on allocation regimes and current permits to Ngati Tama

- Joseph explained the concepts of the formal and informal waiting lists, that a water-take consent still needs to be applied for. The purpose of these waiting lists is to indicate when new parties will be invited to apply for a water-take consent. Steve explained that bores will also require a bore permit to be constructed.
- Leanne queried about water banking. Steve confirmed that water banking does not occur, because the permits lapse after 5 years if not used. Joseph highlighted that Council also undertake an “actual and reasonable use” test. If a permit holder does not use the allocated water resource, then their permitted allocation may be cut back.
- Diane wondered if water banking could technically occur, if applications could be made term after term. Joseph explained that all permits have an expiry date, that an extension to the lapse period is different to a consent renewal, and that intent to use must be proven for a lapse extension. Lisa highlighted that all of the water-take permits in Takaka expire in 2019 and consent applications must show need for water.

*[Lisa progressed with the presentation on cease-take triggers and allocation costs and benefits]*

- Diane queried what happens with areas which are fully allocated. Joseph and Steve explained that prospective water users register onto the formal waiting list for those areas which are fully allocated. New consent applications can only be made if some of the allocation limit becomes available. This requires existing consent holders to either relinquish their allocation, or for allocation to become available through ‘actual and reasonable use’ tests reducing existing allocations. Joseph and Steve explained the importance of non-complying and prohibited activity status for new consent applications

in fully or overallocated areas. Steve further explained that permits can be 'sold' and transferred in ownership, but application is required to transfer the point of take and this can only occur within the same water management zone. Lisa noted that with the allocations being based on ecological risk that this suggested prohibited status may be appropriate, as applications under a non-complying status would move into a situation of increased ecological risk.

## **WATER QUALITY MANAGEMENT, INDICATORS AND MONITORING**

*[Lisa progressed with the presentation on interim FLAG decisions on water quality management]*

- Diane queried the status and risks around those biological indicators (water quality). She was concerned about the risk that the indicators might be met, but that some species may still be at risk.
- Diane queried the language used around water quality, such as the terms "pristine." She wanted to know if strong language was used regarding Te Waikoropupu. Lisa explained that the language used for Te Waikoropupu was "outstanding" or "exceptional," and recognized its status as Wahi Tapu. Diane did not want water quality for Te Waikoropupu to be relegated or observed as just "good." Lisa agreed and noted that the 'maintain' state related to the current state of the waterbodies (whether it was good or outstanding, etc) and that no decline in current water quality was seen in any waterbody.
- Lisa commented that riparian vegetation and aquatic habitat was noted as lost, and Diane asked why. Lisa stated that it was largely historical, and Diane said that it was from historic farming.
- Diane commented that iwi have a large network of funding available for improving water quality matters, but these could not be used in these situations because Council did not go to iwi for assistance. John and Leanne confirmed that these could be helpful.
- Chris mentioned that focusing resources at points where land drainage and water bodies collect, could be helpful and wetlands were very important and should be included.
- Lisa commented that the goal of replanting all lowland streams was huge, and acknowledged this was not something council could achieve on its own. The topic of how Council could support existing projects and networks, and how the mosaic of available funding could best be used to achieve the community's goals was part of the implementation programme work.
- There was much agreement around the group that these sorts of funding programmes to incentivize and support environmental management on farms and other properties were a good thing. Matthew Rountree recommended that Chris watch the TDC water documentary.

*[link to the video: [Our waters in common](#)]*

- Leanne queried that the health of the water and riparian environment was fundamental to the health of the water resource itself. Steve and Lisa confirmed this. Lisa noted we



can't achieve the national compulsory value of ecosystem health without both quality and habitat.

- Mirka Langford and Chris discussed the benefits of cheap plants and volunteer assistance with planting for farmers – eg farmers putting in \$1.00 per plant and having \$0.50 per plant go towards the community organization that volunteers to help with the planting. This helps the farmer and helps the community.
- Diane queried the naturalized populations of *E.coli* mentioned under the investigations in the presentation. Lisa noted that recent research has identified that there could be naturalized populations of *E-coli* bacteria in water bodies, rather than as a result of human pollution, but further work was required to determine what was the source of issues locally. Lisa explained that *E.coli* were used as indicators for other disease causing organisms [*viruses, etc*] and that there were also different types of *E-coli*, with some being benign and others being harmful to people.
- Chris and Diane queried about how baselines would be set. Lisa explained that Council already had a lot of data from the State of the Environment monitoring programmes, but for some attributes there is no data, or not enough for a baseline or sometimes we have data, but it is not in the right location for our needs. Baseline monitoring for some attributes has been identified as a requirement to be included in the implementation programme. Diane asked if all water plans need baselines. Lisa identified that where adaptive management was used we needed baselines for the key attributes to be monitored against. Lisa then explained further that monitoring sites were cut in half recently, but the remaining locations were monitored monthly instead of quarterly. Steve commented that further funding was likely to be needed and Lisa commented that even if Council did approve the funding required, some attributes required a long time period of data before we got an adequate baseline (eg 2 years).
- Steve said that the need for increased funding was clear. Richard said that this depended on which sites and indicators were really needed, and that we need to confirm which sites and indicators are really important. Richard said that the two major concerns that Tasman District communities had were rates increases and debt. Debt was not relevant here, but rates increases were, and that was something we had to consider when it came to spending money.
- Andrew Yuill spoke about the troubles he had with TDC in getting funding support for monitoring at Te Waikoropupu and that the Friends of Golden Bay had since funded weekly monitoring. He said that the monitoring results were helpful, but all private funded. He wondered whether it was fairer that the monitoring programme should be paid for by the beneficiaries – the water users.
- Leanne queried what nitrate levels that have been set for Te Waikoropupu. Lisa said that they have not been set yet, but that Dairy NZ had convened a group of national experts (Science Panel) to look at water quality aspects relating to Te Waikoropupu. The Science Panel had identified 0.5mg per litre as a 'bottom line' for nitrate – or the level we wouldn't want to go above, but there was debate in FLAG about whether this should be

0.4mg/L. Leanne queried the independent nature of that study. Roger said that he was part of the group and that the scientists were independent, despite the funded nature of getting the panel together. Roger elaborated on the content of the study, and that it included more than just nitrate levels. Steve queried the overall consensus of the Science Panel and Roger said that there was plenty of agreement, but also plenty of discussion. Andrew Yuill further commented that nitrate was definitely an issue with water quality at Te Waikoropupu, and elaborated on his discussions with expert parties, stating that the advice he relied on was from NIWA [*ie Graham Fenwick, who was also part of the Science Panel*].

- Further discussion around separation/distinction of Te Waikoropupu from other water bodies in Golden Bay/Mohua... different language and differing presentations of information to ensure acknowledgment of its special status.
- Steve queried iwi about what we could do to move forward and further with our iwi-Council relationship and consultation. Diane re-mentioned the prospect of the MOU. Leanne highlighted that the term mana whenua in Mohua refers to three iwi and Ngati Tama cannot speak for all mana whenua iwi. Ngati Tama can only speak for Ngati Tama.

2:55 pm *End of freshwater presentation and discussion [Break for afternoon tea]*

## **FUTURE PROCESS AND CLOSE OF FRESHWATER SESSION**

*[remaining notes taken by Lisa McGlinchey]*

Richard Kempthorne gave thanks to the FLAG for the work they have put in over the last few years and to the dairy community regarding the good work already being done in the catchment in terms of fencing, planting and improving practices.

Steve Markham covered some things to happen in the near future and requested Ngati Tama thoughts on his suggested approach:

There are three key outputs still to come –

- Summary of interim FLAG framework to date – expected in the next few weeks
- Science panel summary report – expected end of October
- Methodology from Roger Young on ecological basis for allocation regime – expected end of October

Once received, these will be sent to Ngati Tama and the other iwi.

Steve suggested a smaller group of Ngati Tama, TDC staff and FLAG meet to walk through this information and to discuss in more detail areas of agreement and understanding and learn through this process any unanswered questions to be addressed through the summary report and plan change drafting process – and that we repeat this meeting process throughout the remaining process – and council will do this with the other iwi also.

Leanne Manson: Yes, we do wish to engage and Ngati Tama will join in discussions and bring whomever they deem necessary- as long as the experts are also in the room who understand the science (nitrate) issues. Leanne invited FLAG members to join with Ngati Tama in their discussions with council.

**Action:** Staff to send FLAG Summary, Science Panel and Allocation Methodology reports to Ngati Tama, once complete.

**Action:** Further discussions to be had between FLAG, TDC staff, experts and Ngati Tama. TDC staff to arrange once the three report outputs are sent to Ngati Tama.

Those attendees not involved in the landscapes work left the meeting following farewells and thanks:

- Steve Markham thanked those in the FLAG group that were leaving
- Martine Bouillir gave thanks to Ngati Tama.
- Chris Hill acknowledged the FLAG and the expertise involved in the group and those facilitating the group, noting she was very grateful for what the group has contributed.
- Leanne Manson noted that this process is a partnership – a 3-way partnership – Ngati Tama, TDC and FLAG. Part of our role as kaitiaki of Waikoropupu is that it is shared, but also that it is sustainable and to protect the springs.
- John Ward-Holmes thanked the group and farewelled those leaving on behalf of Ngati Tama.

*[The meeting continued looking at the landscapes work with Steve Markham and Tom Chi discussing the work with Ngati Tama representatives. Refer to separate notes for the landscapes part of the meeting]*

### **Summary of Freshwater Hui Actions**

<b>Action</b>	<b>By whom</b>
<i>FLAG members to familiarize themselves with iwi settlement documents.</i>	<i>FLAG</i>
<i>Ngati Tama to continue discussions on an MOU with Council CEO and Mayor.</i>	<i>Ngati Tama</i>
<i>TDC staff to discuss how to better reflect iwi settlements, history and interests at the start of future processes and to relay these to other involved parties on behalf of Ngati Tama.</i>	<i>TDC staff</i>
<i>Ngati Tama to follow up on establishment of the River and Freshwater Advisory Committee.</i>	<i>Ngati Tama</i>
<i>TDC staff to forward summary tables on allocation regimes and current permits to Ngati Tama.</i>	<i>TDC staff</i>
<i>Staff to send FLAG Summary, Science Panel and Allocation Methodology reports to Ngati Tama, once complete.</i>	<i>TDC staff</i>
<i>Further discussions to be had between FLAG, TDC staff, experts and Ngati Tama. TDC staff to arrange once the three report outputs are sent to Ngati Tama.</i>	<i>TDC staff</i>